THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MEHRALI PARKHIDEH

Appeal No. 96-0312
Application No. 08/083,561[1]

ON BRIEF

Before HAIRSTON, FLEMING and TORCZON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 15. In an Amendment After Final (paper number 12), claim 9 was amended.[2]

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[1] Application for patent filed June 30, 1993.

[2] According to the examiner (paper number 13), the amendment had the effect of overcoming the rejection of claim 9 under the second paragraph of 35 U.S.C. § 112.

The disclosed invention relates to a communications network, and to a method and system whereby all master stations in the communications network receive and identify signals sent by other stations in the network.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A supervisory system for a communications network having a plurality of stations communicating through a communication medium, the system comprising:

plural of said stations being master stations that operate at the same time to attempt to control a plurality of other said stations by sending commands thereto;

response means at each of said stations for sending a signal through the communication medium in response to a command sent thereto and received from any of said master stations, said signal identifying the command received; and

identification means at each of said master stations for receiving said signal and identifying the command in the signal so that each of said master stations is aware of commands sent by every other one of said master stations.

The references relied on by the examiner are:

Marbaker et al. (Marbaker) 5,229,988 July 20, 1993

Comer, Internetworking with TCP/IP, Vol. 1, Prentice Hall, 1991, pages 73 through 87.

Claims 1 through 6 stand rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing

to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

Claims 1 through 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Marbaker in view of Comer.

Reference is made to the final rejection, the briefs and the answers for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the rejections.

The examiner's reasons (final rejection, page 2) for finding claims 1 through 6 indefinite are as follows:

> If each station is not aware of commands sent by other stations, how can the response means at each station sends [sic, send] a signal in response to a command as recited in lines 6-10? Additionally, one skilled in the art cannot understand how each of the master stations is aware of commands by "identifying the command in the signal" (line 11), a single command in the signal.

We are not convinced by the examiner's reasoning that the skilled artisan would not understand that a receiving station can be configured to respond to a command directed to it. When the receiving station responds to the command, and

directs its response to all of the master stations, then all of the master stations will be made aware of the command. Appellant's disclosed and claimed invention explains the operation of such a communications network. If the examiner is questioning the efficacy of such a system, then perhaps a rejection under the first paragraph of 35 U.S.C. § 112 is in order. Otherwise, we agree with appellant's arguments (Brief, pages 5 and 6) that the claimed invention is clear to those of skill in the art, and the indefiniteness rejection is reversed.

Turning to the prior art rejection, the examiner indicates (Answer, pages 3 and 4) that:

> In U.S. Pat. No. 5,229,988 Marbaker discloses a communication systems [sic, system] including a plurality of stations. When station 106 wants to know the physical address of station 108 (a target station), station 106 sends an ARP request packet 201 including a command to all stations connected to the network. The command comprises a physical source address, IP source address, and IP target address (Fig. 2A and 2B). Recognizing that the IP target address 208 is its IP address, target station 108 broadcasts an ARP response packet (sending a signal in response to a command sent thereto) indicating its physical address (the status of claim 7), a hardware address. See Fig. 2A and 2B, col. 1, lines 66, to col. 2, line 17. Marbaker does not explain the well-known ARP protocol in detail; i.e., he does not fully disclose lookup tables (claims 5,

> 11, and 13) and identifying the command in a received ARP response packet (claims 1, 7 and 13) at each station in the network so that each station is aware of the command.

We agree with the examiner (Answer, pages 4 through 6) that address resolution protocol (ADR) is explained in detail in Comer, and that it would have obvious to incorporate concepts disclosed therein in Marbaker. Notwithstanding the combinability of the teachings of the two references, we are still left with the fact that the combined teachings do not address a master-slave relationship in which each of the slave stations responds after being commanded by a master station (claims 7 through 15), and do not address each master station in the network being made aware of commands sent to a responding station (claims 1 through 15). The obviousness rejection is reversed because the stations in the applied references communicate with each other on an equal footing, and they are not concerned with ordering one station to respond to a command. More importantly, none of the stations in either reference is concerned with being made aware of commands sent from one station to another station. Thus, the obviousness rejection is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 6 under the second paragraph of 35 U.S.C. § 112, and claims 1 through 15 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON Administrative Patent Judge	)
MICHAEL R. FLEMING Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
RICHARD TORCZON Administrative Patent Judge	)

jrg

Appeal No. 96-0312
Application No. 08/083,561

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Serial No. 08/083,561

Judge HAISTON

Judge FLEMING

Judge TORCZON

Received: 29 Oct 98

Typed: 29 Oct 98

DECISION: REVERSED

Send Reference(s): Yes No
or Translation(s)

Panel Change: Yes No

3-Person Conf. Yes No

Remanded: Yes No

Brief or Heard

Group Art Unit: 2603

Index Sheet-2901 Rejection(s): _____

Acts 2: ____

Palm: ____

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Updated Monthly Report: ___